

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION 2013 JUN 21 PM 4:35

UNITED STATES OF AMERICA :
Plaintiff, :
v. : Civil Action No. C-2-10-330
JUDGE SARGUS
Magistrate Judge Abel
REAL PROPERTY KNOWN AND :
NUMBERED AS 52 NORTH RODGERS :
AVENUE, COLUMBUS, FRANKLIN :
COUNTY, OHIO, WITH ALL :
IMPROVEMENTS, APPURTENANCES, :
AND ATTACHMENTS THEREON, :
ET AL. :
(Record Owner: James Johnston):
Defendants. :

CONSENT JUDGMENT OF FORFEITURE

On April 16, 2010, the United States filed its Verified Complaint for Forfeiture seeking the forfeiture of the below-referenced real property pursuant to 18 U.S.C. §981(a)(1)(C) for violations of a specified unlawful activity as defined in 18 U.S.C. §1956(c)(7), said specified unlawful activity being, drug trafficking in violation of 21 U.S.C. §841 et seq. Said real property being described as:

- 1) 52 North Rodgers Avenue¹, Columbus, Ohio, with all improvements, appurtenances, and attachments thereon, record owner: James Johnston;

¹ The real property known and numbered as 52 North Rodgers Avenue, Columbus, Ohio is the subject of Forfeiture B of the Superseding Indictment in United States v. James E. Johnston, et al, Criminal Action CR-2-11-185. On December 5, 2012, James E. Johnston's interest in this real property was forfeited to the United States by virtue of the Preliminary Order of Forfeiture (Doc. 167).

- 2) 1501 Thomas Avenue, Columbus, Ohio, with all improvements, appurtenances, and attachments thereon, record owner: James E. Johnston;
- 3) 300 Cypress Avenue², Columbus, Ohio, with all improvements, appurtenances, and attachments thereon, Record owner: James Johnston and Gerald Ratcliff;
- 4) * 533 West Chapel Street, Columbus, Ohio, with all improvements, appurtenances, and attachments thereon, record owner: JPJ Real Estate, Ltd.;
- 5) 486 South Burgess Avenue, Columbus, Ohio, with all improvements, appurtenances, and attachments thereon, Record owner: James E. Johnston, Jr.;
- 6) * 242-244 South Skidmore Street, Columbus, Ohio, with all improvements, appurtenances, and attachments thereon, Record owner: JPJ Real Estate;
- 7) 832 East Fifth Avenue, Columbus, Ohio, with all improvements, appurtenances, and attachments thereon, Record owner: James E. Johnston;
- 8) 828 East Fifth Avenue, Columbus, Ohio, with all improvements, appurtenances, and attachments thereon, Record owner: James E. Johnston;
- 9) 820 East Fifth Avenue, Columbus, Ohio, with all improvements, appurtenances, and attachments thereon, Record owner: James E. Johnston;
- 10) 1070 North Walters Street, Columbus, Ohio, with all improvements, appurtenances, and attachments thereon, Record owner: James E. Johnston;
- 11) 0 East Fifth Avenue, Columbus, Ohio, with all improvements, appurtenances, and attachments thereon, Record owner: James E. Johnston;

² The real property known and numbered as 300 Cypress Avenue, Columbus, Ohio is the subject of Forfeiture C of the Superseding Indictment in United States v. James E. Johnston, et al, Criminal Action CR-2-11-185. On December 5, 2012, James E. Johnston's interest in this real property was forfeited to the United States by virtue of the Preliminary Order of Forfeiture (Doc. 167).

- 12) * 257 South Skidmore Street, Columbus, Ohio, with all improvements, appurtenances, and attachments thereon, Record owner: JPJ Real Estate, Ltd.;
- 13) 76 Brehl Avenue, Columbus, Ohio, with all improvements, appurtenances, and attachments thereon, Record owner: JPJ Real Estate, Ltd.;
- 14) 1195 Sullivant Avenue, Columbus, Ohio, with all improvements, appurtenances, and attachments thereon, Record owner: JPJ Real Estate, Ltd.;
- 15) * 1334-1336 West Broad Street³, Columbus, Ohio, with all improvements, appurtenances, and attachments thereon, Record Owner: JPJ Real Estate, LTD.

The parties stipulate and agree to a consent judgment of forfeiture in the above-entitled action upon the terms indicated below.

1. That the claimant James E. Johnston, Jr.⁴, received a copy of the complaint filed herein on April 28, 2010. Claimant James E. Johnston, Jr., filed a verified claim on September 30, 2010, and an answer on May 12, 2010.

2. That this court has jurisdiction under 28 U.S.C. §§1345 and 1355 over the subject matter and parties, and that the complaint herein states a claim for which relief may be granted.

³ The real property known and numbered as 1334-1336 West Broad Street, Columbus, Ohio is the subject of Forfeiture A of the Superseding Indictment in United States v. James E. Johnston, et al, Criminal Action CR-2-11-185. On December 5, 2012, James E. Johnston's interest in this real property was forfeited to the United States by virtue of the Preliminary Order Forfeiture (Doc. 167).

⁴ Any interest of JPJ Real Estate and Gerald Ratcliff has been extinguished by Entry of Default entered on June 30, 2010.

3. That claimant James E. Johnston, Jr., voluntarily surrenders all of his right, title and interest in the Defendant real properties as described above to the United States of America. Claimant, James E. Johnston, Jr., acknowledges that the real properties as described above constitute or were derived from proceeds of drug trafficking.

4. That claimant James E. Johnston, Jr., agrees to release and hold harmless the United States, and any agents, servants, and employees of the United States, and any assisting federal, state, and local law enforcement agency, their officers, employees, and agents, acting in their individual or official capacities, from any and all claims, demands, causes of action or suits, of whatever kind and description, and wheresoever situated, that might exist or may arise as a result of the civil forfeiture of the real property described herein. In addition, claimant James E. Johnston, Jr., agrees to assist the United States in resolving any third party claims to said real properties including executing any documents required to provide the United States clear title to said real properties.

NOW, therefore, the United States and the Claimant hereby agree and consent to entry of a judgment, without further notice to the Claimant, without contest and without testimony, as follows:

1. Judgment shall be entered forfeiting the real properties described as:

- 1) 1501 Thomas Avenue, Columbus, Ohio with all improvements, appurtenances and attachments thereon, and legally described as:

Situated in the State of Ohio, County of Franklin and in the City of Columbus and bounded and described as follows:

Being Lot Number Fifty-Eight (58) of DELLA L. PORTER'S PARCELS, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 6, Page 11-A, Recorder's Office, Franklin County, Ohio.

Parcel Number: 010-053344

Property Address: 1501 Thomas Avenue, Columbus, Ohio 43223.

Prior Instrument reference: Instr. 200809110137852, Recorder's Office, Franklin County, Ohio.
Record owner: James E. Johnston;

- 2) 533 West Chapel Street, Columbus, Ohio with all improvements, appurtenances and attachments thereon, and legally described as:

Situated in the State of Ohio, County of Franklin and in the City of Columbus and bounded and described as follows:

Being Lot Number Ninety-Four (94) of F.C. SESSIONS ADDITION to the Said City of Columbus, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, Pages 242 and 243, Recorder's Office, Franklin County, Ohio.

Parcel Number: 010-026629

Property Address: 533 West Chapel Street, Columbus, Ohio 43215.

Prior Instrument reference: Instr. 200302260057076, Recorder's Office, Franklin County, Ohio.
Record owner: JPJ Real Estate, Ltd.;

- 3) 486 South Burgess Avenue, Columbus, Ohio with all improvements, appurtenances and attachments thereon, and legally described as:

Situated in the State of Ohio, County of Franklin and in the City of Columbus and bounded and described as follows:

Being Lots Numbers One Hundred One (101), and the North one-half of Lot Number One Hundred Two (102), in THORPE BROTHERS'S BRONX SUBDIVISION in the City of Columbus, Ohio, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 12, page 31, Recorder's Office, Franklin County, Ohio.

Parcel Number: 010-051132-00

Property Address: 486 South Burgess Avenue, Columbus, Ohio 43204.

Prior Instrument reference: Instr. 200601090004813,
Recorder's Office, Franklin County, Ohio.
Record owner: James E. Johnston, Jr.;

- 4) 242-244 South Skidmore Street, Columbus, Ohio with all improvements, appurtenances and attachments thereon, and legally described as:

Situated in the State of Ohio, County of Franklin and in the City of Columbus and bounded and described as follows:

Being Lot Number Twenty-Six (26), in POPE AND ELLERMAN SUBDIVISION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, page 432, Recorder's Office, Franklin County, Ohio.

Parcel Number: 010-038377-00

Property Address: 242-244 South Skidmore Street, Columbus, Ohio 43215.

Prior Instrument reference: Instr. 200508250174134,
Recorder's Office, Franklin County, Ohio.
Record owner: JPJ Real Estate;

- 5) 832 East Fifth Avenue, Columbus, Ohio with all improvements, appurtenances and attachments thereon,

and legally described as:

Situated in the State of Ohio, County of Franklin and in the City of Columbus and bounded and described as follows:

The real property known as 832 East Fifth Avenue, Columbus, Ohio 43201, also known as Lot Number Four (4), of F.R. Winget's Fifth Avenue Addition to the City of Columbus as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 5, Pg. 231, Recorder's Office, Franklin County, Ohio.

Excepting therefrom the following described premises: Being an 8 foot strip of land off the entire southerly end of Lot Number Four (4) F.R. Winget's Fifth Avenue Addition, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 5, Pg. 231, Recorder's Office, Franklin County, Ohio, and extending from the westerly property line to the easterly property line a distance of 32.93 feet; containing 263 square feet.

Parcel Number: 010-023885-00

Property Address: 832 East Fifth Avenue, Columbus, Ohio 43201.

Prior Instrument reference: Instr. 200802130022829, Recorder's Office, Franklin County, Ohio.
Record owner: James E. Johnston;

- 6) 828 East Fifth Avenue, Columbus, Ohio with all improvements, appurtenances and attachments thereon, and legally described as:

Situated in the State of Ohio, County of Franklin and in the City of Columbus and bounded and described as follows:

The real property known as 828 East Fifth Avenue, Columbus, Ohio 43201, also known as Lots Numbered One (1), Two (2), and Three (3) in F.R. Winget's Fifth Avenue Addition to the City of Columbus as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 5, Pg. 231, Recorder's Office, Franklin County, Ohio. Parcel No's. 010-038079-00; 010-040692-00; 010-023884-00; 010-38037-00; except,

however, 8 feet off the entire south side of said Lots.

Parcel Number: 010-038037-00

Property Address: 828 East Fifth Avenue, Columbus, Ohio 43201.

Prior Instrument reference: Instr. 200802130022829,
Recorder's Office, Franklin County, Ohio.
Record owner: James E. Johnston;

- 7) 820 East Fifth Avenue, Columbus, Ohio with all improvements, appurtenances and attachments thereon, and legally described as:

Situated in the State of Ohio, County of Franklin and in the City of Columbus and bounded and described as follows:

The real property known as 828 East Fifth Avenue, Columbus, Ohio 43201, also known as Lots Numbered One (1), Two (2), and Three (3) in F.R. Winget's Fifth Avenue Addition to the City of Columbus as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 5, Pg. 231, Recorder's Office, Franklin County, Ohio. Parcel No's. 010-038079-00; 010-040692-00; 010-023884-00; 010-38037-00; except, however, 8 feet off the entire south side of said Lots.

Parcel Number: 010-040692-00

Property Address: 820 East Fifth Avenue, Columbus, Ohio 43201.

Prior Instrument reference: Instr. 200802130022829,
Recorder's Office, Franklin County, Ohio.
Record owner: James E. Johnston;

- 8) 1070 North Walters Street, Columbus, Ohio with all improvements, appurtenances and attachments thereon, and legally described as:

Situated in the State of Ohio, County of Franklin and in the City of Columbus and bounded and described as follows:

The real property known as 828 East Fifth Avenue, Columbus, Ohio 43201, also known as Lots Numbered One

(1), Two (2), and Three (3) in F.R. Winget's Fifth Avenue Addition to the City of Columbus as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 5, Pg. 231, Recorder's Office, Franklin County, Ohio. Parcel No's. 010-038079-00; 010-040692-00; 010-023884-00; 010-38037-00; except, however, 8 feet off the entire south side of said Lots.

Parcel Number: 010-038079-00

Property Address: 1070 North Walters Avenue, Columbus, Ohio 43201.

Prior Instrument reference: Instr. 200802130022829,
Recorder's Office, Franklin County, Ohio.
Record owner: James E. Johnston;

- 9) 0 East Fifth Avenue, Columbus, Ohio with all improvements, appurtenances and attachments thereon, and legally described as:

Situated in the State of Ohio, County of Franklin and in the City of Columbus and bounded and described as follows:

The real property known as 828 East Fifth Avenue, Columbus, Ohio 43201, also known as Lots Numbered One (1), Two (2), and Three (3) in F.R. Winget's Fifth Avenue Addition to the City of Columbus as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 5, Pg. 231, Recorder's Office, Franklin County, Ohio. Parcel No's. 010-038079-00; 010-040692-00; 010-023884-00; 010-38037-00; except, however, 8 feet off the entire south side of said Lots.

Parcel Number: 010-023884-00

Property Address: 0 East Fifth Avenue, Columbus, Ohio 43201.

Prior Instrument reference: Instr. 200802130022829,
Recorder's Office, Franklin County, Ohio.
Record owner: James E. Johnston;

- 10) 257 South Skidmore Street, Columbus, Ohio with all improvements, appurtenances and attachments thereon, and legally described as:

Situated in the State of Ohio, County of Franklin and in the City of Columbus and bounded and described as follows:

Being Lot Number Thirty-five (35) of Pope And Ellerman's Subdivision, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, page 432, Recorder's Office, Franklin County, Ohio.

Parcel Number: 010-032826

Property Address: 257 South Skidmore Street, Columbus, Ohio 43215.

Prior Instrument reference: Instr. 200201290026760, Recorder's Office, Franklin County, Ohio.
Record owner: JPJ Real Estate, Ltd.;

- 11) 76 Brehl Avenue, Columbus, Ohio with all improvements, appurtenances and attachments thereon, and legally described as:

Situated in the State of Ohio, County of Franklin and in the City of Columbus and bounded and described as follows:

Being Lot Number Fifty-seven (57) of N. L. Doren's Central Avenue Subdivision of Lots Number 11 and part of Lots 10 and 12 of M. L. Sullivants Subdivision of lands in entry 1393 Virginia Military Lands, Franklin Township, Franklin County, Ohio, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 7, page 82, Recorder's Office, Franklin County, Ohio.

Parcel Number: 010-006861

Property Address: 76 Brehl Avenue, Columbus, Ohio 43222.

Prior Instrument reference: Instr. 200201290026760, Recorder's Office, Franklin County, Ohio.
Record owner: JPJ Real Estate, Ltd.;

- 12) 1195 Sullivant Avenue, Columbus, Ohio with all improvements, appurtenances and attachments thereon, and legally described as:

Situated in the State of Ohio, County of Franklin and

in the City of Columbus and bounded and described as follows:

Being Lot Number Two Hundred One (201) of BENJAMIN MONETT'S CENTRAL AVENUE ADDITION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 5, pages 330 and 331, Recorder's Office, Franklin County, Ohio.

Parcel Number: 010-038270

Property Address: 1159 Sullivant Avenue, Columbus, Ohio 43222.

Prior Instrument reference: Instr. 200201290026760,
Recorder's Office, Franklin County, Ohio.
Record owner: JPJ Real Estate, Ltd,

to the United States of America, pursuant to the provisions of 18 U.S.C. §981(a)(1)(C).

2. The claim of James E. Johnston, Jr., is extinguished in its entirety.


3. The costs of this action shall be borne by the respective parties.

Respectfully submitted,

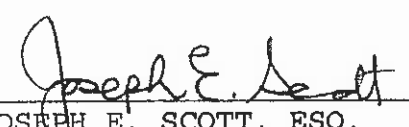
CARTER M. STEWART
United States Attorney

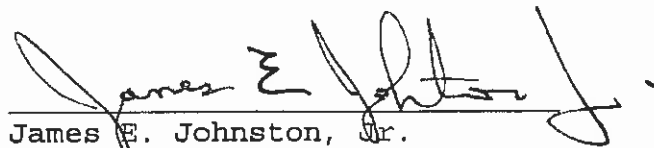


MICHAEL J. BURNS (0023446)
Assistant United States Attorney
Attorney for Plaintiff
303 Marconi Boulevard, 2nd Floor
Columbus, Ohio 43215
(614) 469-5715
Fax: (614) 469-5240
Michael.Burns @usdoj.gov

 June 21, 2013
~~July 5, 2013~~
Dated

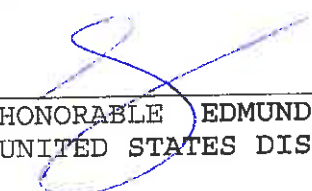
 June 21, 2013
~~July 5, 2013~~
Dated


JOSEPH E. SCOTT, ESQ.
35 East Livingston Avenue
Columbus, Ohio 43215
(614) 221-9790
Attorney for Claimant
James E. Johnston, Jr.


James E. Johnston, Jr.
Claimant

COURT APPROVAL

This Consent Judgment of Forfeiture is approved by this Court
this 27th day of June, 2013.



HONORABLE EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT COURT JUDGE